

FILED

JUL 26 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUBEN CASTRO-MURO,

Defendant - Appellant.

No. 05-30075

D.C. No. CR-04-00129-SEH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Submitted July 24, 2006^{**}

Before: ALARCÓN, HAWKINS and THOMAS, Circuit Judges.

Ruben Castro-Muro appeals from the 57-month sentence imposed following his guilty-plea conviction for illegal reentry of a deported alien in violation of

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

8 U.S.C. § 1326(a). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Castro-Muro contends that the sentence imposed by the district court on resentencing was unreasonable under *United States v. Booker*, 543 U.S. 220 (2005). We disagree. The record demonstrates that the district court properly considered the 18 U.S.C. § 3553 factors and imposed a reasonable sentence within the Guidelines range. *See United States v. Mix*, 442 F.3d 1191, 1196-97, *amended by* 450 F.3d 375 (9th Cir. June 8, 2006) (“Judges need not rehearse on the record all of the considerations that 18 U.S.C. § 3553(a) lists; it is enough to calculate the range accurately and explain why (if the sentence lies outside of it) this defendant deserves more or less.”) (internal citation and quotations marks omitted); *see also United States v. Plouffe*, 445 F.3d 1126, 1131 (9th Cir.), *cert. denied*, 126 S. Ct. 2314 (2006).

Castro-Muro also contends that unwarranted sentencing disparity resulted from the fact that he was not convicted in a district that employs a fast-track program. This argument has been rejected by *United States v. Marcial-Santiago*, 447 F.3d 715, 717-19 (9th Cir. 2006) (concluding that sentencing disparity resulting from some districts using fast-track program was not unwarranted under § 3553(a)(6)).

AFFIRMED.